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SUR LA TABLE, INC.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 CV11-03522 MMM(JEM)

11 AMANDA GEORGINO, an individual, on
12 behalf of herself and all others similarly
situated,

13 Plaintiff,

14 vs.

15 SUR LA TABLE, INC., a Washington
16 corporation; and DOES 1 through 50,
inclusive,

17 Defendants.

Case No.: ..

DEFENDANT SUR LA TABLE,
INC.'S NOTICE OF REMOVAL
[28 U.S.C. § 1446(d)]

[Removed from the Superior Court of
California, County of Los Angeles, Case
No. BC455406]

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT,
2 CENTRAL DISTRICT OF CALIFORNIA:

3 PLEASE TAKE NOTICE that Defendant Sur La Table, Inc. ("SLT") hereby
4 removes this action from the Superior Court of California, County of Los Angeles to
5 the United States District Court for the Central District of California pursuant to 28
6 U.S.C. §§ 1332, 1441, 1446 and 1453.

7 **Procedural History and Timeliness of Removal**

8 1. On February 16, 2011, Plaintiff Amanda Georgino, purportedly on behalf
9 of herself and all others similarly situated, filed a civil action in Los Angeles Superior
10 Court entitled *Amanda Georgino v. Sur La Table, Inc., et al.*, Case No. BC455406 (the
11 "State Court Action"). (See Complaint, attached hereto as Ex. A.)

12 2. Service of process was completed on March 25, 2011. (Declaration of
13 Scott Jacobs at ¶2, Ex. A.)

14 3. This Notice of Removal is therefore timely. See 28 U.S.C. § 1446(b);
15 Cal. Code Civ. Proc. § 415.30(c).

16 **Basis for Removal Jurisdiction**

17 4. The action is removable pursuant to the Class Action Fairness Act of
18 2005 ("CAFA"), 28 U.S.C. §§ 1332(d) and 1453(b), for the following reasons:

19 5. Covered Class Action. Plaintiff purports to bring the action on behalf of
20 "an ascertainable statewide class consisting of all persons in California from whom
21 Defendant requested and recorded personal identification information in conjunction
22 with a credit card transaction." (Compl. ¶23.) While SLT denies the allegations of
23 the Complaint and denies that its conduct violates California Civil Code section
24 1747.08, according to SLT's records, SLT had far in excess of 25,000 credit card
25 transactions involving far in excess of 1,000 different customers between February 15,
26 2010 and February 16, 2011 in its California stores. (Declaration of Debbie
27 Brownfield at ¶4.) Based on this data, SLT is informed and believes there are a
28

1 minimum of 100 members of the putative class alleged by Plaintiff. *See* 28 U.S.C. §§
 2 1332(d)(1) & (2), 1453(a) & (b).

3 6. Diversity. The action satisfies the diversity requirements of CAFA, 28
 4 U.S.C. § 1332(d)(2)(A). Plaintiff alleges that she is a resident of California and that
 5 the class includes all persons in California, whether residents of California or
 6 elsewhere, from whom Defendant requested and recorded personal identification
 7 information in conjunction with a credit card transaction during the one-year period
 8 preceding the filing of her class action complaint. (Compl. ¶¶8, 23, 32.) As of the
 9 date the Complaint was filed in the Los Angeles Superior Court and as of the date of
 10 this removal, SLT is a Washington corporation with its principal place of business in
 11 the state of Washington. (Brownfield Decl. at ¶2.) Accordingly, pursuant to 28
 12 U.S.C. § 1332(c)(1), defendant SLT is, and at all relevant times was, a citizen of
 13 Washington state. *See Hertz Corp. v. Friend*, 130 S.Ct. 1181, 1186 (2010) (adopting
 14 the “nerve center test,” which locates a corporation’s principal place of business in the
 15 place “where the corporation’s high level officers direct, control, and coordinate the
 16 corporation’s activities,” “typically” the corporation’s headquarters).

17 7. The minimum diversity standard of CAFA is met as long as any one
 18 defendant is a citizen of a state different than any plaintiff. 28 U.S.C. §
 19 1332(d)(2)(A). The evidence presented with this Notice of Removal concerning
 20 SLT’s Washington citizenship alone is sufficient to establish minimum diversity when
 21 combined with the allegation concerning Plaintiff’s citizenship in the Complaint.

22 8. Amount in Controversy - Alleged Damages. Plaintiff alleges that SLT
 23 violated California’s Song Beverly Credit Card Act, California Civil Code section
 24 1747.08. (Compl. ¶33.) The Complaint alleges a single cause of action for this
 25 violation. (*Id.* ¶¶30-33.)

26 9. SLT disputes that it is liable to Plaintiff or to the putative class. A plain
 27 reading of the Complaint, however, demonstrates that the amount in controversy
 28 exceeds \$5,000,000 for purposes of removal. The Complaint alleges penalties in

1 amounts of up to one thousand dollars (\$1,000) per violation pursuant to California
2 Civil Code section 1747.08(e). (Compl. ¶33.)

3 10. As demonstrated by the attached Declaration of Debbie Brownfield,
4 between February 15, 2010 and February 16, 2011, the time period covered by
5 Plaintiff's Complaint, SLT had far in excess of 25,000 credit card transactions in its
6 California stores. (Brownfield Decl. ¶4.) Thus, the amount in controversy in this
7 action exceeds \$5,000,000. *See Korn v. Polo Ralph Lauren Corporation*, 536 F.
8 Supp. 2d 1199, 1205 (E.D. Cal. 2008) (where Plaintiff seeks the \$1,000 maximum
9 statutory penalty under the Song Beverly Act, \$5 million amount in controversy
10 requirement is met where there are at least 5,001 potential putative class claims).

11 11. No CAFA Exclusions. The action does not fall within any exclusion to
12 removal jurisdiction recognized by 28 U.S.C. § 1332(d) because SLT is not a citizen
13 of California, the state in which the action originally was filed, and no other exclusion
14 applies.

15 **The Procedural Requirements Have Been Met**

16 12. Venue. Venue is proper under 28 U.S.C. § 1441(a), which provides for
17 removal to the district court of the United States for the district and division
18 embracing the place where such action is pending.

19 13. Pleadings and Process. As required by 28 U.S.C. § 1446(a), attached
20 hereto as Exhibit A is a copy of all process, pleadings and orders served upon SLT in
21 the State Court Action.

22 14. Notice. As required by 28 U.S.C. § 1446(d), attached hereto as Exhibit B
23 is a copy of the Notice of Filing of Notice of Removal to Plaintiffs and the Clerk of
24 the Los Angeles Superior Court, County of Los Angeles, without exhibits, which will
25 promptly be served upon Plaintiff's counsel and filed with the Clerk of the Superior
26 Court of the State of California, County of Los Angeles, pursuant to 28 U.S.C. §
27 1446(d).
28

15. Consent to Removal. Consent to removal is not required under CAFA.
See 28 U.S.C. § 1453(b).

17. Based upon the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332, 1441 and 1453, and this action is properly removed to this Court.

18. By this notice, defendant SLT does not waive any objections it may have as to improper service, jurisdiction, or venue, or any other defenses or objections to this action. SLT intends no admission of fact, law, or liability by this notice, and reserves all defenses, motions, and pleas. SLT prays that this action be removed to this Court, that all further proceedings in the state court be stayed, and that SLT obtain all additional relief to which it is entitled.

REED SMITH LLP

By

Scott H. Jacobs
Brandon W. Corbridge
Attorneys for Defendant
SUR LA TABLE, INC.

EXHIBIT A

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

SUR LA TABLE, INC., a Washington corporation;
and DOES 1 through 50, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

AMANDA GEORGINO, an individual, on behalf of herself and all others similarly situated,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
CONFORMED COPY
OF ORIGINAL FILED
Superior Court of California
County of Los Angeles

FEB 16 2011

John A. Clarke, Esquire, Officer/Clerk
By RUGENA LOPEZ Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Los Angeles County Superior Court
Stanley Mosk Courthouse
Civil Division
111 North Hill Street
Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):

BC455406

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Gene J. Stonebarger, Esq. STONEBARGER LAW, APC
75 Iron Point Circle, Suite 145, Folsom, CA 95630
Tel: (916) 235-7140 Fax: (916) 235-7141

DATE:
(Fecha)

Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
John A. Clarke
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Gene J. Stonebarger (SBN: 209461) STONEBARGER LAW, APC 75 Iron Point Circle, Suite 145 Folsom, CA 95630 TELEPHONE NO.: (916) 235-7140 FAX NO.: (916)-235-7141 ATTORNEY FOR (Name): Plaintiff Amanda Georgino		FOR COURT USE ONLY <div style="font-size: 1.2em; font-weight: bold; transform: rotate(-5deg);"> CONFORMED COPY OF ORIGINAL FILED Superior Court of California County of Los Angeles </div> <div style="font-size: 1.2em; font-weight: bold; margin-top: 10px;"> FEB 16 2011 </div> <div style="margin-top: 10px;"> John A. [Signature] By <u>[Signature]</u> Deputy </div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME:		
CASE NAME: AMANDA GEORGINO v. SUR LA TABLE, INC., et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited Amount demanded exceeds \$25,000 <input type="checkbox"/> Limited (Amount) demanded is \$25,000 or less	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)	CASE NUMBER: JUDGE: BC455406 DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
 a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): 4
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: February 15, 2011

Gene J. Stonebarger

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only

Page 1 of 2

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 Telephone (916) 235-7140
 Facsimile (916) 235-7141

Attorneys for Plaintiff and the Class

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES

FEB 16 2011

John A. Clarke, Executive Officer/Clerk
 By RUGENA LOPEZ Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

BC455406

AMANDA GEORGINO, an individual, on
 behalf of herself and all others similarly
 situated,

Plaintiff,

vs.

SUR LA TABLE, INC., a Washington
 corporation; and DOES 1 through 50, inclusive,

Defendants.

CASE NO.:

CLASS ACTION

**COMPLAINT FOR VIOLATIONS OF
 CALIFORNIA CIVIL CODE § 1747.08**

Plaintiff Amanda Georgino, on behalf of herself and all others similarly situated,
 complains and alleges upon information and belief based, among other things, upon the
 investigation made by Plaintiff by and through her attorneys, as follows:

I. INTRODUCTION

1. California Civil Code section 1747.08 generally states that when a merchant is
 engaged in a retail transaction with a customer, the merchant may neither (1) request personal
 identification information from a customer paying for goods with a credit card, and then record
 that personal identification information upon the credit card transaction form or otherwise;
 (2) require as a condition to accepting the credit card as payment the cardholder to provide the
 customer's personal identification information which the retailer causes to be written, or

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CIT/CASE: BC455406 LEA/DEF#:
 RECEIPT #: CCH477728032
 DATE PAID: 02/17/11 09:05:14 AM
 PAYMENT: \$395.00
 RECEIVED: 02/17/11 09:05:14 AM
 0310
 CHECK: 395.00
 CASH: 0.00
 CHARGE: 0.00
 CARD: 0.00

1 otherwise records upon the credit card transaction form or otherwise.¹

2 2. Defendant operates retail stores under the name Sur La Table throughout the
3 United States, including California. Defendant is engaging in a pattern of unlawful and
4 deceptive business practices by utilizing an "Information Capture Policy" whereby Defendant's
5 cashiers both request and record personal identification information, in the form of zip codes,
6 and credit card numbers from customers using credit cards at the point-of-sale in Defendant's
7 retail establishments. Defendant's acts and practices as herein alleged were at all times
8 intentional.

9 3. On information and belief, Defendant uses the zip codes and additional
10 information obtained from its customers' credit cards, including names and credit card numbers
11 (or portions thereof) to obtain its customers' residential addresses. Defendant obtains these
12 addresses with the help of third-party vendors such as Acxiom that maintain proprietary software
13 and databases containing hundreds of millions of individual consumers' contact information.
14 For example, Acxiom advertises its "Shopper Registration" software on its website claiming:
15 "All you have to do is capture the shopper's name from a check or a third-party credit card at the
16 point of sale and ask for the shopper's zip code . . . and Address Append takes the name,
17 combined with the collected zip code, and matches them to Acxiom's [database]. Acxiom
18 provides a match rate report that tells you how many addresses were matched and appended."²

19 4. Defendant does not disclose its intentions to its customers, and instead relies on
20 the common misbelief of consumers that Defendant is using the zip code information to verify
21 cardholders' identities similar to "pay-at-the-pump" gas station transactions where a zip code is
22 required because there is no live clerk to verify identification. Defendant, however, is not using

23
24 ¹ California Civil Code section 1747.08 states in relevant part:

25 "(a) Except as provided in subdivision (c), no person, firm, partnership, association, or corporation which accepts
26 credit cards for the transaction of business shall do either of the following:

(2) Request, or require as a condition to accepting the credit card as payment in full or in part for goods or services,
the cardholder to provide personal identification information, which the person, firm, partnership, association, or
corporation accepting the credit card writes, causes to be written, or otherwise records upon the credit card
transaction form or otherwise.

27 (b) For purposes of this section 'personal identification information,' means information concerning the cardholder,
other than information set forth on the credit card, and including, but not limited to, the cardholder's address and
telephone number."

28 ² See www.acxiom.com/119441/fact_sheet_IB_TS_Shopper_Recognition_200707.pdf. Acxiom is but one of
numerous third-party vendors that Defendant might use to obtain its customers' addresses.

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zip codes to verify cardholders' identities during credit card transactions and the credit card companies do not require zip codes to complete in-person "card present" credit card transactions.

5. Plaintiff does not seek any relief greater than or different from the relief sought for the Class of which Plaintiff is a member. If successful, this action will enforce an important right affecting the public interest and will confer a significant benefit, whether pecuniary or non-pecuniary, on a large class of persons. Private enforcement is necessary and places a disproportionate financial burden on Plaintiff in relation to Plaintiff's stake in the matter.

II. JURISDICTION AND VENUE

6. Plaintiff is informed and believes that Defendant's principal place of business is in California. Defendant has accepted credit cards for the transaction of business throughout California, including the County of Los Angeles, which has caused both obligations and liability of Defendant to arise in the County of Los Angeles.

7. The amount in controversy exceeds the jurisdictional minimum of this Court.

III. THE PARTIES

A. Plaintiff

8. Plaintiff Amanda Georgino (herein referred to as "Plaintiff") is a resident of California, and entered into a retail transaction with Defendant at one of Defendant's California stores located in Los Angeles County.

9. Plaintiff brings this class action against Defendant, pursuant to California Code of Civil Procedure section 382, on behalf of herself and all persons in California from whom Defendant requested and recorded personal identification information in conjunction with a credit card transaction (herein referred to as the "Class"). Excluded from the Class are Defendant, its corporate parents, subsidiaries and affiliates, officers and directors, any entity in which Defendant has a controlling interest, and the legal representatives, successors or assigns of any such excluded persons or entities.

B. Defendant

10. Defendant Sur La Table, Inc., (herein referred to as "Defendant"), is a Washington corporation. Plaintiff is informed and believes that Defendant's principal place of

1 business is in California. Defendant operates retail stores under the name Sur La Table,
2 throughout California, including stores in Los Angeles County.

3 **C. Doe Defendants**

4 11. Except as described herein, Plaintiff is ignorant of the true names of Defendants
5 sued as DOES 1 through 50, inclusive, and the nature of their wrongful conduct, and therefore
6 sues these DOE Defendants by such fictitious names. Plaintiff will seek leave of the Court to
7 amend this complaint to allege their true names and capacities when ascertained.

8 **D. Agency/Aiding And Abetting**

9 12. At all times herein mentioned, Defendants, and each of them, were an agent or
10 joint venturer of each of the other Defendants, and in doing the acts alleged herein, were acting
11 within the course and scope of such agency. Each Defendant had actual and/or constructive
12 knowledge of the acts of each of the other Defendants, and ratified, approved, joined in,
13 acquiesced and/or authorized the wrongful acts of each co-Defendant, and/or retained the
14 benefits of said wrongful acts.

15 13. Defendants, and each of them, aided and abetted, encouraged and rendered
16 substantial assistance to the other Defendants in breaching their obligations to Plaintiff and the
17 Class, as alleged herein. In taking action, as particularized herein, to aid and abet and
18 substantially assist the commissions of these wrongful acts and other wrongdoings complained
19 of, each of the Defendants acted with an awareness of his/its primary wrongdoing and realized
20 that his/her/its conduct would substantially assist the accomplishment of the wrongful conduct,
21 wrongful goals, and wrongdoing.

22 **IV. CONDUCT GIVING RISE TO VIOLATIONS OF THE LAW**

23 **A. Plaintiff's Contact with Defendant**

24 14. Within the last 12 months, Plaintiff went to Defendant's retail store located in Los
25 Angeles County, California.

26 15. Plaintiff entered Defendant's store and proceeded to select a product from the
27 store that Plaintiff intended to purchase.

28 ///

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1 16. After selecting the item, Plaintiff proceeded to the cashiers' section of
2 Defendant's store to pay for the item selected through the use of a credit card.

3 17. Defendant's employee saw that Plaintiff had selected products that Plaintiff
4 wished to purchase from Defendant and, as part of Defendant's Information Capture Policy, then
5 requested personal identification information from Plaintiff in the form of Plaintiff's zip code,
6 without informing Plaintiff of the consequences if Plaintiff did not provide Defendant's
7 employee with Plaintiff's zip code.

8 18. Plaintiff, believing that she was required to provide her zip code to complete the
9 transaction, told Defendant's employee Plaintiff's zip code.

10 19. Defendant's employee then typed and recorded Plaintiff's zip code into an
11 electronic cash register at the checkout counter adjacent to both the employee and Plaintiff.

12 20. Defendant's employee then proceeded to inform Plaintiff of the amounts due to
13 Defendant for said product. Plaintiff handed Defendant's employee Plaintiff's credit card, after
14 which said employee proceeded to swipe, enter, and/or record the credit card number into an
15 electronic cash register at the checkout counter adjacent to both the employee and Plaintiff.
16 At this point in the transaction, Defendant has Plaintiff's credit card number, name and zip code
17 recorded in its databases.

18 21. Defendant's employee made no attempt to erase, strikeout, eliminate, or otherwise
19 delete Plaintiff's personal identification information from the electronic cash register after
20 Plaintiff's credit card number was recorded.

21 22. Defendant's employee and Plaintiff completed the transaction and Plaintiff left
22 Defendant's store with her purchased items.

23 **V. PLAINTIFF'S CLASS ACTION ALLEGATIONS**

24 23. This lawsuit is brought on behalf of an ascertainable statewide class consisting of
25 all persons in California from whom Defendant requested and recorded personal identification
26 information in conjunction with a credit card transaction (the "Class"). Excluded from the Class
27 are Defendant, its corporate parents, subsidiaries and affiliates, officers and directors, any entity
28 in which Defendant has a controlling interest, and the legal representatives, successors or assigns

1 of any such excluded persons or entities.

2 24. The members of the Class are so numerous that joinder of all members is
3 impracticable. While the exact number of Class members is unknown to Plaintiff at this time,
4 such information can be ascertained through appropriate discovery, from records maintained by
5 Defendant and its agents.

6 25. A class action is superior to other available methods for the fair and efficient
7 adjudication of this controversy because joinder of all members is impracticable, the likelihood
8 of individual Class members prosecuting separate claims is remote and individual Class
9 members do not have a significant interest in individually controlling the prosecution of separate
10 actions. Relief concerning Plaintiff's rights under the laws alleged herein and with respect to the
11 Class as a whole would be appropriate. Plaintiff knows of no difficulty to be encountered in the
12 management of this action which would preclude its maintenance as a class action.

13 26. There is a well-defined community of interest among the members of the Class
14 because common questions of law and fact predominate, Plaintiff's claims are typical of the
15 members of the Class, and Plaintiff can fairly and adequately represent the interests of the Class.

16 27. Common questions of law and fact exist as to all members of the Class and
17 predominate over any questions affecting solely individual members of the Class. Among the
18 questions of law and fact common to the Class are:

19 a. whether each Class member engaged in a credit card transaction with Defendant;

20 b. whether Defendant requested the cardholder to provide personal identification
21 information and recorded the personal identification of the cardholder, during credit card
22 transactions with Class members;

23 c. whether Defendant's conduct of requesting the cardholder to provide personal
24 identification information during credit card transactions and recording the personal
25 identification information of the cardholder constitutes violations of California Civil Code
26 section 1747.08; and

27 d. the proper amount of civil penalties to be awarded to Plaintiff and the Class.

28 ///

28. Plaintiff's claims are typical of those of the other Class members because Plaintiff, like every other Class member, was exposed to virtually identical conduct and is entitled to civil penalties in amounts of up to one thousand dollars (\$1,000) per violation pursuant to California Civil Code section 1747.08(e).

29. Plaintiff can fairly and adequately represent the interests of the Class, she has no conflicts of interest with other Class members, and has retained counsel competent and experienced in class action and civil litigation.

**CAUSE OF ACTION FOR VIOLATIONS OF
CALIFORNIA CIVIL CODE § 1747.08
[SONG-BEVERLY CREDIT CARD ACT OF 1971]**

30. Plaintiff refers to and incorporates by reference as though set forth fully herein paragraphs 1 through 29 of this Complaint.

31. California Civil Code section 1747.08 prohibits any corporation, which accepts credit cards for the transaction of business, from requesting the cardholder to provide personal identification information which the corporation then records in conjunction with a credit card transaction.

32. Defendant is a corporation that accepts credit cards for the transaction of business. During credit card transactions entered into at Defendant's stores on each and every day during the one-year period preceding the filing of this class action complaint through the present, Defendant utilized, and continues to utilize, an "Information Capture Policy" whereby Defendant's cashiers both request and record zip codes and credit card numbers from customers using credit cards at the point-of-sale in Defendant's retail establishments.

33. It is and was Defendant's routine business practice to intentionally engage in the conduct described in this cause of action with respect to every person who, while using a credit card, purchases any product from any of Defendant's stores in the State of California. Due to Defendant's violations as set forth herein, Plaintiff and the Class are entitled to civil penalties in amounts of up to one thousand dollars (\$1,000) per violation pursuant to California Civil Code section 1747.08(e).

///

1 WHEREFORE, Plaintiff and the Class pray for relief as set forth below.

2 **PRAYER FOR RELIEF**

3 1. That the Court certifies this action as a class action appointing Plaintiff as the
4 Class Representative and Plaintiff's counsel as Class counsel;

5 2. For an award to Plaintiff and to each member of the Class the civil penalty to
6 which he or she is entitled under California Civil Code section 1747.08(e);

7 3. For distribution of any moneys recovered on behalf of the Class of similarly
8 situated consumers via fluid recovery or *cy pres* recovery where necessary to prevent Defendant
9 from retaining the benefits of its wrongful conduct;

10 4. For an award of attorneys' fees as authorized by statute including, but not
11 limited to, the provisions of California Code of Civil Procedure § 1021.5, and as authorized
12 under the "common fund" doctrine;

13 5. For costs of the suit;

14 6. For prejudgment interest at the legal rate;

15 7. And for such other relief as the Court may deem proper.

16
17 Dated: February 15, 2011

STONEBARGER LAW, APC

18
19 By: 

20 Gene J. Stonebarger
21 Richard D. Lambert
22 Attorneys for Plaintiff and the Class
23
24
25
26
27
28

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Street number, and address): Gene J. Stonebarger (SBN: 209461) STONEBARGER LAW, APC 75 Iron Point Circle, Suite 145 Folsom, CA 95630 TELEPHONE NO.: (916) 235-7140 FAX NO.: (916)-235-7141 ATTORNEY FOR (Name): Plaintiff Amanda Georgino		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">FILED</div> SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES <div style="font-size: 1.2em; margin: 5px 0;">FEB 16 2011</div> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> RECEIVED FEB 16 2011 ROOM 102 </div> <div style="text-align: center;"> <small>JOHN M. LINDKE, Executive Officer/Clerk</small> <small>DEPUTY</small> </div> </div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME:		CASE NUMBER: JUDGE: BC455406 DEPT:	
CASE NAME: AMANDA GEORGINO v. SUR LA TABLE, INC., et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited Amount demanded exceeds \$25,000 <input type="checkbox"/> Limited (Amount) demanded is \$25,000 or less		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)	

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
- | | | |
|---|--|--------------------------------------|
| a. <input checked="" type="checkbox"/> monetary | b. <input checked="" type="checkbox"/> nonmonetary; declaratory or injunctive relief | c. <input type="checkbox"/> punitive |
|---|--|--------------------------------------|
4. Number of causes of action (specify): 4
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)
- Date: February 15, 2011
- Gene J. Stonebarger

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only

Page 1 of 2

BC455406

SHORT TITLE:

Georgino v. Sur La Table, Inc., et al.

CASE NUMBER

FOR COURT USE ONLY

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

FEB 10 2011

JENNIFER CLARKE, Executive Officer/Clerk
By [Signature] Deputy
JUDENA 15923CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO
COURTHOUSE LOCATION)

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☒ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 5 ☐ HOURS/ ☒ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- Class Actions must be filed in the Stanley Mosk Courthouse, Central District.
- May be filed in Central (Other county, or no Bodily Injury/Property Damage).
- Location where cause of action arose.
- Location where bodily injury, death or damage occurred.
- Location where performance required or defendant resides.
- Location of property or permanently garaged vehicle.
- Location where petitioner resides.
- Location wherein defendant/respondent functions wholly.
- Location where one or more of the parties reside.
- Location of Labor Commissioner Office

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 3. 1., 2., 4.

SHORT TITLE: Georgino v. Sur La Table, Inc., et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input checked="" type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	① 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Real Property	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE:

Georgino v. Sur La Table, Inc., et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: Georgino v. Sur La Table, Inc., et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS: 6333 West 3rd Street	
<input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			
CITY: Los Angeles	STATE: CA	ZIP CODE: 90036	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court [Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)].

Dated: February 15, 2011


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LASC Approved CIV 109 (Rev. 01/07).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

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STONEBARGER LAW
A Professional Corporation

Gene J. Stonebarger, State Bar No. 209461
Richard D. Lambert, State Bar No. 251148
STONEBARGER LAW
A Professional Corporation
75 Iron Point Circle, Suite 145
Folsom, CA 95630
Telephone (916) 235-7140
Facsimile (916) 235-7141

Attorneys for Plaintiff and the Class

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

AMANDA GEORGINO, an individual, on
behalf of herself and all others similarly
situated,

Plaintiff,

vs.

SUR LA TABLE, INC., a Washington
corporation; and DOES 1 through 50, inclusive,

Defendants.

CASE NO.: BC455406

CLASS ACTION

**NOTICE OF ENTRY OF ORDER
RE: NON-COMPLEX DESIGNATION**

TO ALL INTERESTED PARTIES AND ATTORNEYS:

NOTICE IS HEREBY GIVEN that on March 4, 2011 the Court entered an Order in the
above-entitled matter designating this case as Non-Complex. A copy of said Order is attached
hereto as Exhibit A.

Dated: March 17, 2011

STONEBARGER LAW, APC

By: 

Gene J. Stonebarger
Richard D. Lambert
Attorneys for Plaintiff and the Class

EXHIBIT 'A'

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 03/04/11

DEPT. 324

HONORABLE EMILIE H. ELIAS

JUDGE

A. MORALES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

8:30 am BC455406

Plaintiff

Counsel

NO APPEARANCES

AMANDA GEORGINO

VS

Defendant

SUR LA TABLE INC

Counsel

NON-COMPLEX (03-04-11)

NATURE OF PROCEEDINGS:

COURT ORDER

This Court makes its determination whether or not this case should be deemed complex pursuant to Rule 3.400 of the California Rules of Court.

This case is designated non-complex and is reassigned to Judge William F. Fahey in Department 78 at Stanley Mosk Courthouse for all further proceedings.

Plaintiff is ordered to serve a copy of this minute order on all parties forthwith and file a proof of service in Department 78 within five (5) days of service.

Any party objecting to the non-complex designation must file an objection and proof of service in Department 324 within ten (10) days of service of this minute order. Any response to the objection must be filed in Department 324 within seven (7) days of service of the objection. This Court will make its ruling on the submitted pleadings.

CLERK'S CERTIFICATE OF MAILING/
NOTICE OF ENTRY OF ORDER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 03/04/11

DEPT. 324

HONORABLE EMILIE H. ELIAS

JUDGE A. MORALES

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

NONE

Reporter

8:30 am

BC455406

Plaintiff

Counsel

AMANDA GEORGINO

NO APPEARANCES

VS

Defendant

SUR LA TABLE INC

Counsel

NON-COMPLEX (03-04-11)

NATURE OF PROCEEDINGS:

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 03-04-11 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: 03-07-11

John A. Clarke, Executive Officer/Clerk

By: KIN HILAIRE
K. HILAIRE

STONEBARGER LAW, APC
Gene J. Stonebarger, Esq.
75 Iron Point Circle, Suite 145
Folsom, California 95630

STONEBARGER LAW
A Professional Corporation

PROOF OF SERVICE

I am a citizen of the United States and am employed in Sacramento County. I am over the age of eighteen (18) years and not a party to this action; my business address is 75 Iron Point Circle, Suite 145, Folsom, California 95630.

On March 17, 2011, I caused to be served the following document(s):

NOTICE OF ENTRY OF ORDER RE: NON-COMPLEX DESIGNATION

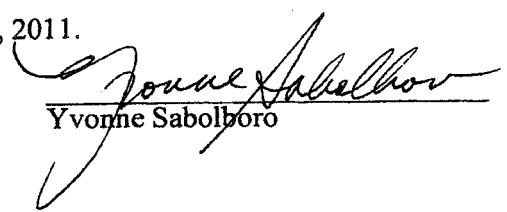
to each of the parties herein as follows:

Abraham Colman
Reed Smith LLP
355 South Grand Ave., Ste. 2900
Los Angeles, CA 90071

- ☒ **BY MAIL:** I caused such envelope(s) to be deposited in the mail at my business address, addressed to the addressee(s) designated. I am readily familiar with Stonebarger Law's practice for collection and processing of correspondence and pleadings for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.
- ☐ **BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the addressee(s) designated.
- ☐ **BY OVERNIGHT COURIER SERVICE:** I caused such envelope(s) to be delivered via overnight courier service to the addressee(s) designated.
- ☐ **BY FACSIMILE:** I caused said document to be transmitted to the telephone number(s) of the addressee(s) designated.
- ☐ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused the document(s) to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Folsom, California on March 17, 2011.


Yvonne Sabolboro

PROOF OF SERVICE

COPY
CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

APR 25 2011

John A. Clarke, Executive Officer/Clerk
By A.E. LAFLEUR-CLAYTON, Deputy

1 Scott Jacobs, SBN 81980
sjacobs@reedsmith.com
2 Brandon Corbridge, SBN 244934
bcorbridge@reedsmith.com
3 REED SMITH LLP
355 South Grand Avenue, Suite 2900
4 Los Angeles, CA 90071-1514

5 Telephone: 213.457.8000
6 Facsimile: 213.457.8080

7 Attorneys for Defendant
SUR LA TABLE, INC.

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

10
11 AMANDA GEORGINO, an individual, on behalf
12 of herself and all others similarly situated,

13 Plaintiff,

14 vs.

15 SUR LA TABLE, INC., a Washington
16 corporation; and DOES 1 through 50, inclusive,

17 Defendants.
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No.:BC455406

**DEFENDANT SUR LA TABLE, INC.'S
ANSWER TO CLASS ACTION
COMPLAINT**

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

ANSWER

Defendant Sur La Table, Inc. ("Defendant") hereby answers the Class Action Complaint filed in this action by Plaintiff Amanda Georgino, individually and on behalf of all others similarly situated (the "Complaint") as follows:

GENERAL DENIAL

Pursuant to California Code of Civil Procedure Section 431.30, Defendant generally denies each and every material allegation set forth in the Complaint. Defendant also denies, generally and specifically, that Plaintiff has been damaged as alleged in the Complaint, or in any way at all, or that Plaintiff is entitled to any damages or relief whatsoever from Defendant, and further denies, generally and specifically, that Plaintiff is entitled to any of the relief prayed for in the Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

1. The Complaint fails to allege sufficient facts to state any claim for which relief can be granted to Plaintiff.

SECOND AFFIRMATIVE DEFENSE

(Statute of Limitations)

2. The Complaint is barred, in whole or in part, by the applicable statutes of limitations, including, but not limited to, Code of Civil Procedure section 340.

THIRD AFFIRMATIVE DEFENSE

(Laches)

3. The Complaint is barred by the equitable doctrine of laches because Plaintiff delayed inexcusably and unreasonably in the filing of this action causing substantial prejudice to Defendant.

FOURTH AFFIRMATIVE DEFENSE

(Waiver)

4. The Complaint is barred by the doctrine of waiver.

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FIFTH AFFIRMATIVE DEFENSE

(Estoppel)

5. The Complaint is barred by the doctrines of collateral and/or equitable estoppel.

SIXTH AFFIRMATIVE DEFENSE

(Unclean Hands)

6. The Complaint is barred by the doctrine of unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

(Consent)

7. The Complaint is barred because Plaintiff voluntarily provided her zip code (if it was provided at all).

EIGHTH AFFIRMATIVE DEFENSE

(Lack of Standing)

8. Plaintiff lacks standing to assert the claims set forth in the Complaint.

NINTH AFFIRMATIVE DEFENSE

(Injunctive Relief Improper)

9. Plaintiff's claim for injunctive relief is barred because such relief is available only in an action brought by the Attorney General, or any district attorney or city attorney in the name of the People of the State of California, as provided in Civil Code section 1747.08, subdivision (f), and/or Plaintiff cannot make the requisite showings to obtain injunctive relief.

TENTH AFFIRMATIVE DEFENSE

(Justification)

10. Each purported cause of action in the Complaint is barred by the doctrine of justification.

ELEVENTH AFFIRMATIVE DEFENSE

(Consistent with Law)

11. The Complaint is barred because Defendant's conduct was consistent with all applicable law.

TWELFTH AFFIRMATIVE DEFENSE**(Statute Inapplicable)**

12. Defendant alleges as an affirmative defense on information and belief that Civil Code section 1747.08 does not apply to Defendant's alleged conduct with respect to one or more or all of the purported class members because Defendant's conduct was consistent with the exceptions set forth in subdivision (c) of Civil Code section 1747.08.

THIRTEENTH AFFIRMATIVE DEFENSE**(Bona Fide Error)**

13. Defendant alleges as an affirmative defense on information and belief that it is not liable for any civil penalties with respect to one or more or all of the purported class members because any alleged violation of Civil Code section 1747.08 was not intentional and resulted from a bona fide error.

FOURTEENTH AFFIRMATIVE DEFENSE**(Statute Unconstitutionally Vague)**

14. Civil Code section 1747.08 is unconstitutionally vague because it fails to adequately define the conduct that is proscribed so as to provide Defendant with adequate notice of its legal obligations under the statute. Enforcement of the statute against Defendant would, therefore, violate Defendant's rights under the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution.

FIFTEENTH AFFIRMATIVE DEFENSE**(Unconstitutional Retroactive Application of Judicial Interpretation of Vague Statute)**

15. Plaintiff's request for retroactive application of the California Supreme Court's interpretation of Civil Code section 1747.08 in *Pineda v. Williams Sonoma*, California Supreme Court Case No. S178241 (decided February 10, 2011) violates Defendant's rights under the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution.

SIXTEENTH AFFIRMATIVE DEFENSE**(Unconstitutionality of Statutory Penalties)**

16. Plaintiff's claim for statutory penalties violates Defendant's rights against excessive fines under the Eighth Amendment to the United States Constitution and Article I, section 17 of the Constitution of the State of California, and Defendant's rights under the Due Process Clause of the Fifth and Fourteenth Amendments to the United States Constitution.

SEVENTEENTH AFFIRMATIVE DEFENSE**(Another Action Pending Between the Same Parties on the Same Cause)**

17. The Complaint is barred because there are currently two other class actions pending between the same parties on the same cause of action: *Dardarian v. Sur La Table, Inc.*, United States District Court for the Northern District of California, No. C11-00948-CRB; *Georgino v. Sur La Table, Inc.*, Superior Court of California, County of Los Angeles, No. BC455406.

EIGHTEENTH AFFIRMATIVE DEFENSE**(Reservation of Rights and Additional Defenses)**

18. Defendant has insufficient knowledge or information on which to form a belief as to whether it may have additional, as yet unstated, affirmative defenses available in this action. Defendant therefore reserves the right to assert additional affirmative defenses in the event discovery indicates that they may be appropriate, and also reserves any and all defenses applicable to any class member, in the event any court certifies any class in this or any related or consolidated action, and further reserves any and all defenses applicable to Plaintiff's qualifications or adequacy as the representative of any such class.

PRAYER

WHEREFORE Defendant prays for judgment as follows:

1. That Plaintiff take nothing by reason of her Complaint;
2. That no class be certified in this action;
3. For its costs of suit herein;
4. For its attorneys' fees according to proof; and
5. For such other and further relief as this Court may deem just and proper.

1 DATED: April 25, 2011

REED SMITH LLP

By 

Scott H. Jacobs
Brandon W. Corbridge
Attorneys for Defendant
SUR LA TABLE, INC.

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

PROOF OF SERVICE

I, Rebecca R. Rich, declare as follows:

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 355 South Grand Avenue, Suite 2900, Los Angeles, California 90071-1514. On April 25, 2011, I served the following document(s) by the method indicated below:

DEFENDANT SUR LA TABLE, INC.'S ANSWER TO CLASS ACTION COMPLAINT

- ☐ by transmitting via facsimile on this date from fax number +1 213 457 8080 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 PM and was reported complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting fax machine. Service by fax was made by agreement of the parties, confirmed in writing. The transmitting fax machine complies with Cal.R.Ct 2.306.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and by causing personal delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed proof of service by the process server or delivery service will be filed shortly.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below. A copy of the consignment slip is attached to this proof of service.
- ☐ by transmitting via email to the parties at the email addresses listed below:

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Gene J. Stonebarger, Esq. Stonebarger Law, APC 75 Iron Point Circle, Suite 145 Folsom, California 95630 Tel: 916.235.7140 Fax: 916.235.7141 Email: gstonebarger@stonebarger.com	Attorneys for Plaintiff <i>Amanda Georgino, et al.</i>
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on April 25, 2011, at Los Angeles, California.


 REBECCA R. RICH

US_ACTIVE-106072013.1

REED SMITH LLP
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EXHIBIT B

1 Scott Jacobs, SBN 81980
sjacobs@reedsmith.com
2 Brandon Corbridge, SBN 244934
bcorbridge@reedsmith.com
3 REED SMITH LLP
355 South Grand Avenue, Suite 2900
4 Los Angeles, CA 90071-1514

5 Telephone: 213.457.8000
6 Facsimile: 213.457.8080

7 Attorneys for Defendant
SUR LA TABLE, INC.

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

10
11 AMANDA GEORGINO, an individual, on behalf
12 of herself and all others similarly situated,

13 Plaintiff,

14 vs.

15 SUR LA TABLE, INC., a Washington
corporation; and DOES 1 through 50, inclusive,

16 Defendants.

No.:BC455406

**NOTICE OF DEFENDANT SUR LA
TABLE, INC.'S NOTICE OF REMOVAL
OF ACTION TO FEDERAL COURT
(28 U.S.C. § 1446(d))**

Complaint Filed: February 16, 2011

1 TO THE CLERK OF THE SUPERIOR COURT FOR THE COUNTY OF LOS ANGELES

2 In accordance with 28 U.S.C. section 1446(d), notice is hereby given that Defendant Sur La
3 Table, Inc. has filed a Notice of Removal with the United States District Court for the Central
4 District of California for the purpose of removing the above-entitled action from this Court. Section
5 1446(d) provides that this Court need take no further action with respect to this case "unless and
6 until the case is remanded."

7 Attached hereto as Exhibit A is a true and correct copy of the Notice of Removal and
8 supporting documents, which were filed this date with the Clerk in the United States District Court
9 of the Central District of California.

10
11 DATED: April 25, 2011

REED SMITH LLP

12
13 By _____

14 Scott H. Jacobs
15 Brandon W. Corbridge
16 Attorneys for Defendant
17 SUR LA TABLE, INC.
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REED SMITH LLP

A limited liability partnership formed in the State of Delaware

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sjacobs@reedsmith.com
2 Brandon Corbridge, SBN 244934
bcorbridge@reedsmith.com
3 REED SMITH LLP
355 South Grand Avenue, Suite 2900
4 Los Angeles, CA 90071-1514

5 Telephone: 213.457.8000
6 Facsimile: 213.457.8080

7 Attorneys for Defendant
8 SUR LA TABLE, INC.

9 **SUPERIOR COURT OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES**

11 AMANDA GEORGINO, an individual, on behalf
12 of herself and all others similarly situated,

13 Plaintiff,

14 vs.

15 SUR LA TABLE, INC., a Washington
16 corporation; and DOES 1 through 50, inclusive,

17 Defendants.

No.:BC455406

**NOTICE TO PLAINTIFF OF DEFENDANT
SUR LA TABLE, INC.'S NOTICE OF
REMOVAL OF ACTION TO FEDERAL
COURT
(28 U.S.C. § 1446(d))**

Complaint Filed: February 16, 2011

1 TO PLAINTIFF AMANDA GEORGINO AND HER ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on Monday, April 25, 2011, Defendant Sur La Table, Inc.
3 ("SLT") filed a Notice of Removal of this action with the United States District Court for the Central
4 District of California and that, thereafter, FIA promptly filed a copy of the Notice of Removal with
5 the Clerk of the Superior Court of the State of California for the County of Los Angeles. This action
6 has thus been removed from the Superior Court of the State of California to the United States
7 District Court.

8 Attached hereto as Exhibit A is a true and correct copy of the Notice of Removal and
9 supporting documents, which were filed this date with the Clerk in the United States District Court
10 of the Central District of California.

11
12 DATED: April 25, 2011

REED SMITH LLP

13
14 By _____
15 Scott H. Jacobs
16 Brandon W. Corbridge
17 Attorneys for Defendant
18 SUR LA TABLE, INC.
19
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REED SMITH LLP

A limited liability partnership formed in the State of Delaware

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Margaret M. Morrow and the assigned discovery Magistrate Judge is John E. McDermott.

The case number on all documents filed with the Court should read as follows:

CV11- 3522 MMM (JEMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

COPYUNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) AMANDA GEORGINO, an individual, on behalf of herself and all others similarly situated	DEFENDANTS SUR LA TABLE, INC., a Washington corporation; and DOES 1 through 50, inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Gene J. Stonebarger (SBN 209461) STONEBARGER LAW 75 Iron Point Circles, Suite 145, Folsom, CA 95360 / Tel: 916.235.7140	Attorneys (If Known) Scott H. Jacobs (SBN 81980) REED SMITH, LLP 355 South Grand Avenue, Suite 2900 Los Angeles, California 90071 / Tel: 213.457.8000

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. ORIGIN (Place an X in one box only.) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)	CLASS ACTION under F.R.C.P. 23: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$ _____
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VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 28 U.S.C. §§ 1332, 1441, 1446, and 1453
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VII. NATURE OF SUIT (Place an X in one box only.) <table style="width:100%; border: none;"> <tr> <td style="width:16.6%; vertical-align: top;"> OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. 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Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	

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FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Washington

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date April 25, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))